

## **REMARKS**

Applicants are in receipt of the Official Action dated January 16, 2003 and respond as follows:

The Official Action rejects claims 1 and 5 based on 35 U.S.C. §112, first paragraph as containing subject matter which is not described in the specification. More specifically, the Official Action states that claim 1 fails to clearly describe the distribution of information to nodes in the network as well as identifying potential active and backup links. With respect to claim 5, the Official Action states that the Applicant fails to describe the selection of backup links to form backup paths in the specification.

Applicants respectfully disagree. Beginning at least on page 20 and running through to at least page 29, the specification describes the distribution of "information concerning the aggregate bandwidth used on each link by active paths, denoted by  $F_{ij}$ , and the aggregate bandwidth used on each link by backup paths, denoted by  $G_{ij}....$ " The last two lines on page 20 make reference to Fig. 6 in which it is described that the aggregate bandwidths  $F_{ij}$  and  $G_{ij}$  are distributed.

The specification also discloses the identification of potential active links and the identification and selection of backup links to form a backup path.

For example, page 21, lines 8-15 discuss potential backup links (u,v). Page 23, at least at lines 1-3 makes reference to solving a shortest path problem, the result of which is an optimal backup path having links (u,v). Beginning on page 23, line 7 and running through at least page 30, the specification discloses the identification and selection of backup links (i,j) which are link or node disjointed from a corresponding active path.

Claims 1-10 were rejected under 35 U.S.C. §102(b) as being anticipated by the article entitled "Design of a Fast Restoration Mechanism for Virtual Path-Based ATM Networks," by Chao-Ju Hou ("Hou"). The present invention is aimed at, among other things, dynamically identifying and selecting backup paths after a given traffic request has arrived at a node in a network. No backup paths are pre-assigned to an active path prior to the receipt of a request. Claims 1 and 5 have been amended to more particularly point out and distinctly claim this feature of the present invention.

Hou, on the other hand, discloses the pre-assignment of backup paths (see page 361, col. 2, lines 27-30). In contrast, backup paths are not pre-assigned by the claimed inventions.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-10.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

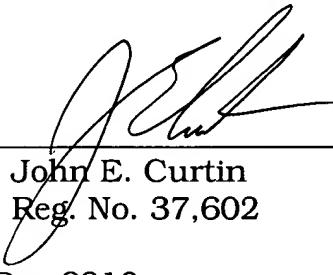
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By

  
John E. Curtin  
Reg. No. 37,602

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

JEC:jcp